

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SHEET METAL WORKERS'	:	CIVIL ACTION
INTERNATIONAL ASSOCIATION	:	
LOCAL UNION NO. 19	:	
	:	
v.	:	
	:	
KEATING BUILDING CORPORATION,	:	
et al.	:	NO. 09-316

ORDER

AND NOW, this 13th day of May, 2009, for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that:

(1) the motion of defendant the School District of Philadelphia to dismiss the amended complaint under Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction (Doc. #28) is DENIED;

(2) the joint motion of defendants Daniel J. Keating Company and Towne and Country Roofing and Siding, Inc., misidentified in the caption as Town and Country, Inc. (collectively "Keating and Towne & Country") to dismiss the amended complaint under Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction and under Rule 12(b)(6) for failure to state a claim (Doc. #30) is DENIED;

(3) the joint motion of defendants Keating and Towne & Country for a more definite statement of the amended complaint (Doc. #30) is DENIED; and

(4) the joint motion of defendants Keating and Towne & Country to dismiss "All Claims Arising From the 'Audenreid School' Project Contract" (Doc. #30) is DENIED.

BY THE COURT:

/s/ Harvey Bartle III

C.J.